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<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>		Docket Number (Optional)  INFN0002	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]  on <u>1/04/06</u>  Signature <u>Kent A. Lembke</u>	Application Number  10/670,545	Filed  September 24, 2003	
Typed or printed name  Kent A. Lembke	First Named Inventor  Yuan Che Hsieh, et al.	Art Unit  2163	Examiner  Alford W. KINDRED

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

applicant/inventor.  
 assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)  
 attorney or agent of record.  
Registration number 44,866  
 attorney or agent acting under 37 CFR 1.34.  
Registration number if acting under 37 CFR 1.34 \_\_\_\_\_

Kent A. Lembke  
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Telephone number  
1/04/06  
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.  
Submit multiple forms if more than one signature is required, see below\*.

\*Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. 10/670,545	Confirmation No.: 5491
Application of: Yuan Che Hsieh, et al.	Customer No.: <b>25235</b>
Filed: September 24, 2003	
Art Unit: 2163	
Examiner: Alford W. KINDRED	
Attorney Docket No. INFN0002	
For: SYSTEM AND METHOD FOR IMPROVING RESOLUTION OF CHANNEL DATA	

ATTACHMENT TO PRE-APPEAL BRIEF REQUEST FOR REVIEW

MAIL STOP AF  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

In response to the final Office Action mailed November 14, 2005, Applicants request that the claim rejections be reviewed prior to the filing of an Appeal Brief for the reasons provided in the following paragraphs.

**Issues for Review**

Applicants believe there are clear errors in the Examiner's rejections that should be reviewed and that such a review will show that the cited references do not support a *prima facie* obviousness rejection. The issues for review do not involve determining what a reference teaches but instead involve determining whether what is taught by the reference as construed by the Examiner supports a *prima facie* rejection of claims based on obviousness and if one of the references is even available as a reference under 35 U.S.C. §103.

All pending claims stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. Publ. No. 2004/0199506 ("Shaffer") in view of U.S. Pat. Publ. No. 2005/0055289 ("Mehldahl").

A significant issue for review is whether Mehldahl is a proper reference under 35 U.S.C. §103(a) or whether it should be withdrawn (which would result in all the claims being in condition for allowance). With regard to claim 1, Mehldahl is cited for teaching "a candidate identification mechanism for accessing more than one candidate reference record from one of the reference record databases using spatial and business data derived from the transaction data." Mehldahl is also cited in rejecting claims 40-41 as teaching "a learning database" at paragraphs [0008]-[0009] and [0059]. Mehldahl is used for rejecting independent claim 33 for the reasons provided for rejecting claim 1.

As pointed out by Applicants in the most recent Amendment, Mehldahl is a publication of an application filed October 22, 2004, which was after the filing date of Applicants' application. However, Mehldahl is a continuation-in-part application of U.S. Pat. Appl. No. 09/924,704 ("parent application"), which was filed on August 9, 2001, and as a result, the teaching of Mehldahl that is present in the parent application is available for use in rejecting Applicants' claims. However, Applicants assert that the parent application of Mehldahl fails to support the portions of Mehldahl cited by the examiner (i.e., these are the "in-part" additions to Mehldahl) or in alternative, these elements of claim 1 and claims 40-41 are not shown in the parent application, and hence, Mehldahl is not a proper reference for rejecting the pending claims.

Comparing Mehldahl with the parent application, it can be seen that the parent application only had 4 figures while Mehldahl issued with 22 figures. Clearly, there was a lot of information added as way of the continuation-in-part application. Turning directly to the teaching of the parent application, it can be seen in the Summary on page 4 that the application is directed to an accounting engine "that accepts business transactions and produces, at the user's request, all of the standard account reports." The model involves using "dimensions" to represent differing ways of categorizing a transaction (such as a debit dimension, a credit dimension, a calendar date dimension, and a description dimension). Operation of

the main embodiment is described in detail on page 9 with reference to the four figures.

Applicants reviewed this information closely and except for the use of the term "business transactions" in the Summary could find nothing of relevance to the invention of claim 1 (or the other pending claims). The use of databases is discussed along with indexing of such a database but there was no discussion of "accessing more than one candidate reference record from one of the reference record databases **using spatial and business data derived from the transaction data**" as required of the "candidate identification mechanism" of claim 1. In other words, the parent application of Mehldahl does not teach the candidate identification mechanism of claim 1 for at least the reason that it fails to teach deriving both spatial and business data from transaction data and then to access more than one candidate reference record using this derived data. The November 4, 2005 Office Action indicates in the Response to Arguments that the parent application teaches transactions in regards to account processing and hence teaches the candidate identification mechanism but such an argument impermissibly reads out limitations of the claims (i.e., where does the parent application teach deriving spatial and business data and then accessing more than one candidate reference record with such data?).

Further, the parent application fails to show a "learning database" as called for in claims 40 and 41. The Examiner in his Response to Arguments on page 6 argues that Mehldahl teaches a relational database combined with business transactions and then draws the conclusion that this must be a learning database as called for in claims 40 and 41 as it is populated based on "some type of analysis of data." However, Applicants disagree that Mehldahl teaches a learning database let alone one that is used in combination with the components of claim 1. Applicants request a specific citation in the parent application to allow them to properly respond to this rejection or that this reference be withdrawn as not properly supporting the rejection.

For the above reasons (most significantly, that the parent application simply fails to show using spatial data derived from business transaction data as called for in claim 1), Applicants believed that Mehldahl is not a proper secondary reference under 35 U.S.C. §103, and it should be withdrawn. Without Mehldahl, all pending claims are in condition for allowance because, as noted by the Examiner, the primary reference (i.e., Shaffer) does not teach or suggest each limitation of independent claims 1 and 33 (or dependent claims 40 and 41).

Another significant issue for review prior to Appeal is whether a prima facie case of obviousness has been provided for independent claim 33. The Office Actions have stated that claim 33 is rejected for the same reasons as claim 1, and the Applicants have pointed out that claim 33 includes several different limitations than claim 1. Hence, the teaching in the references for each and every different limitation must be provided by the Examiner to present a proper obviousness rejection. In the most recent Office Action, the Examiner provided a citation to Shaffer for the geo-coding location data within the transaction record to determine a spatial identifier..." limitation presented in claim 33 but not in claim 1.

However, no Office Action to date has shown the following limitations that are presented in claim 33 and not in claim 1: (a) "generating a transaction record comprising data that imprecisely identifies at least one channel participant"; (b) "providing a reference record database comprising a plurality of reference records where each reference record comprises business information having greater precision than the transaction record and each record is associated with a spatial identifier"; and (c) "identifying more than one reference record...by matching the spatial identifier of the transaction record with spatial identifiers associated with reference records" (with emphasis added to indicate features Applicants have not been able to identify in Shaffer). A prima facie case of obviousness has not been presented by the Examiner with regard to claim 33 because no Office Action has provided a specific citation to Shaffer or Mehldahl for teaching each of these limitations of claim 33 not found in claim 1. Further, the Examiner has not even mentioned these additional limitations and hence, it is not clear these limitations of

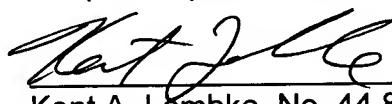
claim 33 have been properly considered by the Examiner. Applicants have reviewed Shaffer and Mehldahl closely and have found no teaching of these limitations of claim 33. For these reasons, Applicants request that the rejection of claim 33 based on Shaffer and Mehldahl be withdrawn, and claim 33 and claims 34-36, which depend from claim 33, be allowed.

A final issue for review is whether Shaffer and Mehldahl support a rejection of claim 1 even when presumed to provide the teaching suggested by the Examiner (which Applicants do not agree with but will take up on Appeal). The Office Action on page 2 cites Shaffer at paragraphs [0061] and [0116] for teaching “accessing one or more candidate reference records using spatial and business data” as called for in claim 1. However, paragraph [0061] discusses using an identifier to match various types of data in a database, and paragraph [0116] discusses a merchant adding a “unique transaction identification string to the request.” There is no teaching in these citations of accessing more than one candidate reference record using both “spatial and business data derived from the transaction data.” The Examiner has not indicated how the teaching at these citations can be thought to read on the claim language but has instead merely cited the paragraphs of Shaffer and quoted language of claim 1. However, as discussed, the cited paragraphs do not teach using spatial and business data derived from transaction data to access a set of candidate reference records. For these reasons, Applicants request that the rejection of claim 1 based on Shaffer be reviewed and, if it is determined a proper case of obviousness is not stated or supported, that the rejection be withdrawn.

In view of all of the above, Applicant respectfully requests that a review panel review the Examiner’s rejections and produce a finding that there are no actual issues remaining for appeal and that the application is allowed.

Respectfully submitted,

1/04/06

  
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